

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL E. MEGGINSON,

Plaintiff,

-against-

ESH ADW MORALES, et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/3/2023

1:22-cv-03815-MKV

**ORDER OF DISMISSAL**

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff Michael E. Megginson, proceeding *pro se*, initiated this action by filing a complaint on May 10, 2022. [ECF No. 2.] On July 12, 2022, this Court issued a *Valentin* Order, directing the New York City Law Department to identify and provide the names and addresses of Defendants to Plaintiff by August 12, 2022. [ECF No. 11.] The *Valentin* Order further directed Plaintiff to file an amended complaint within thirty days of receiving this information. [ECF No. 11.] On August 11, 2022, the New York City Law Department filed a Certificate of Service. [ECF No. 13.] However, on August 22, 2022, Plaintiff informed the Court of his change in address. [ECF No. 14.] Accordingly on September 21, 2022, the New York City Law Department filed another Certificate of Service. [ECF No. 15.] In response, Plaintiff did not file an amended complaint or take any other action to prosecute this case.

Accordingly, on October 27, 2022, this Court issued an Order directing Plaintiff to file a letter on or before November 28, 2022, explaining why this case should not be dismissed for failure to prosecute. [ECF No. 16.] The Court warned Plaintiff **“that he is ultimately responsible for prosecuting his case, and this case may be dismissed because of his failure to comply with court orders and prosecute his case.”** [ECF No. 16.] Plaintiff again failed to respond.

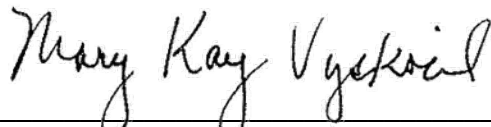
Accordingly, the Court issued an Order to Show Cause on January 9, 2023, directing Plaintiff to file a letter on or before March 9, 2023, explaining “why this case should not be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure” and stating that **“Plaintiff is on notice that failure to comply with this Order and to prosecute his case will result in dismissal.”** [ECF No. 18.]

To date, no response has been filed and Plaintiff has taken no action to prosecute this case. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party. *See LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Plaintiff at the address of record.

**SO ORDERED.**

**Date: April 3, 2023**  
**New York, NY**

  
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**MARY KAY VYSKOCIL**  
**United States District Judge**